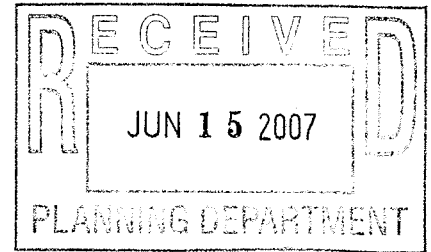


**BRAMBLETON CORNER**  
**ZMAP 2004-0025 and ZCPA 2006-0011**

**STATEMENT OF JUSTIFICATION**

**Revised June 14, 2007**



**BRAMBLETON HISTORY**

Since its inception in 1995, Brambleton has provided Loudoun County with much-needed housing opportunities and contributed essential infrastructure, transportation, recreational and educational resources for the betterment of County residents. In connection with its development, Brambleton constructed almost 2 miles of the four-lane Loudoun County Parkway/ Ryan Road (Route 607/ Route 772), created a dynamic, amenity-filled community and offered much-needed retail and supportive services to the Dulles South area of the County. Brambleton has become one of Northern Virginia's premier residential communities.

In an effort to build upon the success of this attractive planned community, Brambleton Group, LLC (the "Applicant") proposes to submit four additional, complementary rezoning applications for lands located within and adjacent to Brambleton. All four of these cases, we respectfully submit, are natural, logical additions to the existing Brambleton community. This Application is one of four rezoning applications to be filed with the County: (1) Brambleton Corner (this application), (2) Brambleton – Town Center Residential, (3) Brambleton – Brandt, and (4) Brambleton – Active Adult.

**PROPERTY LOCATION**

The Applicant is the title owner of Brambleton Corner (the "Property"), which is approximately 12.47 acres located in the northeast quadrant of the intersection of the future alignments of Route 659 Relocated and Route 621 Relocated (East-West Connector). The Property is more particularly identified as part of Tax Map 91, Parcel 25, part of MCPI # 201-29-5424 and is located within the Ldn 60 Airport Noise Corridor. The Property is currently zoned PD-IP and is part of the greater Brambleton community. Land uses surrounding the Property include future residential development to the north, east and west of the Property, and office and retail uses are planned for the parcel south of this site, across the East-West Connector.

**APPLICATION OVERVIEW**

The Applicant is seeking to (a) rezone the Property to PD-H4 (to be administered as R-8), to permit development of 49 single-family attached homes and a community recreation site (b) amend the Brambleton Concept Development Plan to provide an additional Residential Center location on the Property and (c) amend the Brambleton Concept Development Plan and Brambleton proffers to allow a pool/bathhouse to be developed in Land Bay 2. The Property will be developed according to the density, open space and land use policy recommendations for residential communities in the Suburban Policy Area of the Revised General Plan (the "RGP").

A-119

The Property will be incorporated into the greater Brambleton community and, by being so integrated, will benefit from the amenities in Brambleton, including a program designed to provide substantial, additional active and passive open space and recreational opportunities for both County and Brambleton residents.

#### **COMPREHENSIVE PLAN COMPLIANCE**

The Property is located in the Dulles Community within the Suburban Policy Area. Although the area is planned for Light-Industrial uses under the RGP, the designation is inconsistent with the approved residential densities surrounding the property at Brambleton and pursuant to the Brambleton Concept Development Plan, approved as part of ZCPA 1993-0007.

Surrounding properties, including those within Brambleton, are designated under the RGP for Light-Industrial Uses, yet have been zoned to permit residential development. In fact, the Graham/Flynn/Biggers parcels immediately to the east of the Property were recently rezoned to PD-H3 as part of ZMAP 2003-0007, leaving the subject site as the only non-residentially zoned property within the “core” of the Brambleton community (that is, those areas bounded by Route 772 to the north, Route 621 Relocated to the south, the eastern edges of Brambleton to the east and Relocated Route 659 to the west). Therefore, it is reasonable to conclude that the RGP designation of the Property as Light-Industrial is an inaccurate representation of the land use patterns in this area. The proposed rezoning of the Property is in conformance and consistent with the approved residential uses contiguous to this site.

Furthermore, the Property is located within the Ldn 60 noise contour, within which residential development is permitted. The RGP Industrial land use policies encourage industrial development within the Ldn 65 noise contour, but do not make such recommendations for the Ldn 60 noise contour. Thus, it is reasonable and appropriate to expect uses of a lesser intensity than industrial, such as residential, to be occurring on this site. Finally, but for the fact that the Property was subject to a proffered rezoning, the location of this site north of the Broad Run District floodplain and outside of the Ldn 65 noise contour, would have all but ensured that the Property would have been rezoned for residential uses as part of the County-wide replanning and remapping that occurred in 2000 and 2001.

#### **REZONING PROPOSAL**

Brambleton proposes to rezone the Property to PD-H4 to permit the development of 49 attractive single-family attached townhomes and a residential center with ancillary pool as part of its community and, by so doing, create a southern edge for the community’s residential development. The Applicant will respect the use of Route 621 Relocated (the East-West Connector) as a boundary between the Brambleton residential community to the north and other higher-intensity uses, such as office, retail and light industrial, to the south of the East-West Connector.

The proposed development implements many of the policies set forth in the RGP, including a substantial open space program and interparcel connectivity. The Applicant has concentrated most of the approximately 54.5% open space in a combination of green and civic

spaces in proximity to the proposed community recreation site in the southeast corner of the Property. By reserving more than half of the Property for open space, the Applicant will create a beautiful addition to the Brambleton community that benefits and completes the residential core of Brambleton.

#### **ZONING CONCEPT PLAN AMENDMENT PROPOSAL**

As part of the original approvals for the Brambleton community, Brambleton received several blanket special exception approvals pursuant to SPEX 1993-0017. One such special exception use approved is for community recreation sites. The conditions of approval provide that community recreation sites “shall be located in or around Residential Centers... as identified on the Development Plan.”

Community recreation sites, as set forth in Article VIII of the Revised 1993 Loudoun County Zoning Ordinance, are defined as “facilit[ies] used for and providing fraternal, cultural, social, educational or recreational programs or activities, or swimming pools, tennis courts and similar facilities of a homeowners association, open to the public or a designated part of the public, and which may be publicly or privately held.” In the location shown on the enclosed CDP, Brambleton envisions a community building with bath house and meeting facilities at the Property.

The approved Concept Development Plan for the Brambleton community identifies possible locations of Residential Centers throughout Land Bays 1, 2, and 3. Brambleton is proffered to construct one (1) Residential Center in Land Bay 1, one (1) Residential Center in Land Bay 2, and one (1) Residential Center in Land Bay 3. As part of this ZMAP/ZCPA application, Brambleton proposes to locate the Land Bay 3 Residential Center (and accompanying community recreation site) at the Property. Furthermore, the Applicant seeks to develop a pool/bathhouse in Land Bay 2, in addition to the community recreation sites shown on the approved CDP. To do so, Applicant respectfully requests the amendment of the approved Concept Development Plan for Brambleton to reflect a Residential Center on the ZMAP Property and a pool/bathhouse in Land Bay 2.

A Residential Center and the companion community recreation sites uses located on the Property will provide an active recreation component to the proposed development and benefit all surrounding Brambleton neighborhoods. It will be served by convenient road access from both Route 621 Relocated (the East-West Connector) and Route 659 Relocated and will create an attractive entrance feature for visitors from Brambleton as they enter the community from the south. Finally, the Residential Center and the proposed residential community will be served by connections to the Brambleton trail system.

The proposed pool/bathhouse site in Land Bay 2 will allow the Applicant to provide additional facilities which are required by the community. The existing proffers currently permit the development of three community recreation sites within the Brambleton Community. The Applicant is aware of the need to develop a pool/bathhouse facility in Land Bay 2. No community recreation sites are proposed in the location identified by the Applicant. Applicant, therefore, seeks approval to develop a pool/bathhouse in Land Bay 2 in the location identified on the attached ZMAP and ZCPA plan.

## **PROFFERS**

This case is part of a series of complementary, coordinated and logical additions proposed to Brambleton. The Applicant endeavors to work with the Planning Department Staff to create appropriate and reasonable proffers for the four rezoning applications that benefit the greater Brambleton community and surrounding region. The Applicant envisions that the majority of the proffer commitments will be used towards the critical extension of Loudoun County Parkway from Route 606 to Creighton Road (with a major crossing of Broad Run).

Loudoun County Parkway is planned to be a four (4) lane divided highway with curb and gutter. The 9,400 linear foot length of Loudoun County Parkway that would be completed by the Applicant along the southeastern edge of Brambleton from Creighton Road to existing Old Ox Road will include a significant bridge structure over the Broad Run floodplain. The completion of this important regional road improvement, benefiting all residents of the Dulles District and Loudoun County, is preliminarily estimated at more than \$28,500,000, plus the additional costs of traffic signals. In connection with these four rezoning applications, the Applicant looks forward to working with the County and surrounding property owners in utilizing the funds available to ensure that this road is completed for the benefit of all Loudoun County residents.

## **TRANSPORTATION**

The Brambleton Additions Traffic Impact Study, which accompanies this application, concluded that the proposed rezoning will dramatically decrease the number of trips produced at this location. Average daily trips will decrease by 73% and the AM and PM Peak Hour Trips will decrease by 83%. Additionally, the Traffic Impact Study determined that proposed improvements in connection with other development in the vicinity of the Property would adequately accommodate the traffic from all four rezonings at acceptable levels of service. The Applicant will work with the County to ensure that any traffic impacts on the surrounding road network are reasonably mitigated.

## **SUMMARY**

The subject Property is the only non-residentially zoned parcel within the core of Brambleton. As such, it makes sense to rezone the Property to PD-H4 and to retain the office, industrial and retail uses on properties south of the East-West Connector. Due to the fact that the Property is sandwiched between PD-H residential zoning districts and the intersection of Route 621 Relocated and Route 659 Relocated, the Property (as currently zoned) is isolated from similar uses.

Retention of a non-residential zoning district designation on this Property will prevent the Property from achieving its highest and best use. Rezoning this site to PD-H4 will allow for its natural assimilation within Brambleton. Logically, then, the East-West Connector will become the southernmost edge of residential development within Brambleton. The proposed addition of the Residential Center at the Property will deliver an active recreation component to the greater Brambleton development and will contribute to the equitable distribution of such amenities throughout the greater Brambleton community.

The proposed rezoning and concept plan amendment, along with three other rezonings to be filed by Applicant on properties within and adjacent to Brambleton, will enable Brambleton to continue to provide high-quality housing opportunities and amenities in the heart of Loudoun County along with additional, critical infrastructure benefiting Brambleton and Loudoun County residents alike. The Applicant respectfully requests favorable consideration of this case by Staff, the Planning Commission and Board.

**ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION: Revised 1993 Zoning Ordinance  
Section 6-1211 (E)**

Matter 1. *Is the proposed zoning district classification consistent with the Comprehensive Plan?*

The Property is subject to the RGP's Suburban Policy Area land use recommendations. The Planned Land Use Map designates the Property for Light-Industrial development. Although the Applicant is requesting the rezoning of the Property to a PD-H4 residential zoning district, which on its face is inconsistent with the Planned Land Use Map designation, surrounding property within Brambleton and north of Route 621 Relocated which has been zoned PD-H is also subject to a Planned Land Use of Light-Industrial. Thus, the requested rezoning is consistent with the treatment of the Light Industrial Planned Land use designation as it relates to other PD-H zoning district classifications in the immediate vicinity of the Property.

Matter 2. *Are there any changed or changing conditions in the area affected that make the proposed rezoning appropriate?*

The owner of the Graham/Flynn/Biggers property immediately to the east of the Property has completed a rezoning to PD-H3. As a result of that case, the Property will be surrounded on the north, west and east sides by PD-H residential development, further isolating the Property as a PD-IP parcel.

The Property is not immediately adjacent to any other commercially zoned property. The nearest similarly zoned site is located on the south side of Route 621 Relocated, which is planned to be a four-lane divided road.

The Property is currently the only land within the "core" of Brambleton (the areas between Relocated 659, the East-West Connector and Ryan Road) that is not residentially zoned. Rezoning the Property to PD-H4 will unify the zoning across this entire quadrant of Brambleton.

Matter 3. *Are the range of uses in the proposed zoning district classification compatible with the uses permitted on other property in the immediate area?*

The proposed PD-H4 zoning district is identical to the zoning district on the adjacent Brambleton properties and consistent with the zoning districts throughout the Brambleton community.

Matter 4. *Do adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned?*

Public water and sewer are available at the Property. The Property will be integrated into the Brambleton community; schools and other facilities will be provided as set forth in the Brambleton Concept Plan.

Matter 5. *What is the effect of the proposed rezoning on the County's ground water supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

Matter 6. *What is the effect of uses allowed by the proposed rezoning on the structural capacity of the soils?*

The uses planned for the Property are not anticipated to have an adverse impact on the structural capacity of the soils.

Matter 7. *What impact will the uses that would be permitted if the Property were rezoned have upon the volume of vehicular and pedestrian traffic safety in the vicinity of the Property? Will the proposed rezoning use sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas?*

The proposed development will have marginal impacts on the existing and planned road network. The impacts on transportation are outlined in the Brambleton Corner Traffic Impact Study prepared by Wells & Associates, dated September 14, 2006 included with this application. All nearby intersections maintain acceptable levels of services with the development of the Property as proposed.

Matter 8. *Does a reasonably viable economic use of the Property exist under the current zoning?*

Given the size of the Property and the fact that it is surrounded on three sides by residentially zoned property, it is unlikely that the Property would achieve its highest and best use under the PD-IP zoning.

Matter 9. *What is the effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality?*

The proposed rezoning is not anticipated to have any adverse impacts on the environment and, in fact, is more sensitive to the environment than the currently approved zoning district.

Matter 10. *Does the proposed rezoning encourage economic development activities in areas designated by the Comprehensive Plan and provide desirable employment and enlarge the tax base?*

The proposed rezoning will not encourage economic development activities or provide employment opportunities.

Matter 11. *Does the proposed rezoning consider the needs of agriculture, industry and businesses in future growth?*

The proposed rezoning will provide employees to support the growth of businesses and employment opportunities.

Matter 12. *Does the proposed rezoning consider the current and future requirements of the community as to land for various purposes as determined by population and economic studies?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the RGP.

Matter 13. *Does the proposed rezoning encourage the conservation of properties and their values and encourage the most appropriate use of land throughout the County?*

The proposed rezoning is consistent with the Suburban Policy Area land use recommendations contained in the RGP.

Matter 14. *Does the proposed rezoning consider trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County, and the capacity of existing and/or planned public facilities and infrastructure?*

Notwithstanding the amount of housing approved in the Brambleton community, there is a continued, very strong demand for additional quality housing in eastern Loudoun County. The proposed rezoning is in response to the demand for more housing opportunities within the County.

Matter 15. *What is the effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County?*

Not applicable.

Matter 16. *What is the effect of the rezoning on natural, scenic, archaeological, or historical features of significant importance?*

Not applicable.



**ZONING CONCEPT PLAN MAP AMENDMENT MATTERS FOR CONSIDERATION: Revised 1993  
Zoning Ordinance Section 6-1211 (E)**

Matter 1. *Is the proposed ZCPA consistent with the Comprehensive Plan?*

The proposed ZCPA is consistent with the open space and recreational opportunities recommended for the Suburban Policy Area by the RGP.

Matter 2. *Are there any changed or changing conditions in the area affected that make the proposed ZCPA appropriate?*

Recent residential rezonings of adjacent and surrounding parcels make this ZCPA (and the companion rezoning) appropriate. In 2004, the Graham/Flynn/Biggers parcel immediately to the west of the Property was rezoned to a PD-H district. This rezoning left the Property as the only parcel north of the East-West Connector Road to retain a non-residential zoning designation. The Graham/Flynn/Biggers parcel may be annexed into the Brambleton HOA, thereby increasing the demand on community amenities and facilities such as pools and recreation centers. Thus, the proposed ZCPA is appropriate as it will serve the recreational needs of both the proposed development and the approved Brambleton residential communities in proximity to the Property.

Matter 3. *Are the range of uses compatible with the uses permitted on other property in the immediate area?*

The changes being requested are consistent with the approved uses within Brambleton and surrounding communities. The proposed changes do not add new uses or request the elimination of any required uses within the community; Applicant will continue to abide by the proffers (and specifically, the number of residential centers required in Land Bay 3) originally adopted. As set out above, this application is merely concerned with the incorporation of a Residential Center on the Property in Land Bay 3.

Matter 4. *Do adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned?*

Public water and sewer are available at the Property.

Matter 5. *What is the effect of the proposed rezoning on the County's ground water supply?*

The Property will be served by a central LCSA water supply and there will be no adverse impact on the County's ground water supply.

Matter 6. *What is the effect of uses allowed by the proposed rezoning on the structural capacity of the soils?*

The uses planned for the Property are not anticipated to have an adverse impact on the structural capacity of the soils.

Matter 7. *What impact will the uses that would be permitted if the proposed application were approved have upon the volume of vehicular and pedestrian traffic safety in*

*the vicinity of the Property? Will the proposed application use sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas?*

The nominal scope of the proposed ZCPA will have little to no impact on the existing and planned road network. The impacts of the proposed Brambleton Corner rezoning and ZCPA on transportation are outlined in the Brambleton Additions Traffic Impact Study prepared by Wells & Associates, dated September 14, 2006 and included with this application. All nearby intersections maintain acceptable levels of service with the development of the Property as proposed.

The relocation of the Type I Residential Center closer to 659 Relocated and 621 Relocated is one way the developer will mitigate the impact of through construction traffic on existing neighborhoods and school areas.

Matter 8. *Does a reasonably viable economic use of the Property exist under the current zoning?*

Given the size of the Property and the fact that it is surrounded on three sides by residentially zoned property, it is unlikely that the Property would achieve its highest and best use under the PD-IP zoning.

Matter 9. *What is the effect of the proposed application on the environment or natural features, wildlife habitat, vegetation, water quality and air quality?*

The proposed ZCPA is not anticipated to have any adverse impacts on the environment and, in fact, is more sensitive to the environment than the currently approved zoning district.

Matter 10. *Does the proposed application encourage economic development activities in areas designated by the Comprehensive Plan and provide desirable employment and enlarge the tax base?*

Not applicable.

Matter 11. *Does the proposed rezoning consider the needs of agriculture, industry and businesses in future growth?*

Not applicable.

Matter 12. *Does the proposed application consider the current and future requirements of the community as to land for various purposes as determined by population and economic studies?*

The proposed ZCPA is consistent with the Suburban Policy Area land use recommendations contained in the RGP. Further, the proposed relocation is a direct response to the development of the Brambleton community and its best understanding of where a Residential Center should be located.

Matter 13. *Does the proposed application encourage the conservation of properties and their values and encourage the most appropriate use of land throughout the County?*

The proposed ZCPA is consistent with the Suburban Policy Area land use recommendations contained in the RGP.

Matter 14. *Does the proposed application consider trends of growth or changes, employment and economic factors, the need for housing, probable future economic and population growth of the County, and the capacity of existing and/or planned public facilities and infrastructure?*

Notwithstanding the amount of housing approved in the Brambleton community, there is a continued, very strong demand for additional quality housing in eastern Loudoun County. The proposed ZCPA is in response to the demand for recreational uses and civic spaces associated with residential development within the County.

Matter 15. *What is the effect of the proposed application to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County?*

Not applicable.

Matter 16. *What is the effect of the rezoning on natural, scenic, archaeological, or historical features of significant importance?*

Not applicable.

**ZONING ORDINANCE MODIFICATIONS**  
**for**  
**BRAMBLETON CORNER**

**PROJECT CONTEXT**

Brambleton Corner (the “Property”) is located within the Dulles Community of the Suburban Policy Area and is in an area designated as Light Industrial by the Revised General Plan (the “RGP”). A primary objective of the RGP is the creation of usable open space areas for passive and active recreation through the use of conservation design concepts. The Applicant endeavors through the proposed rezoning to offer a variety of single-family attached housing styles on lots with reduced lot widths. Such lots help to maximize the amount of usable common open space and also help to minimize housing costs.

**SECTION 6-1504 MODIFICATION APPROVAL CRITERIA**

*“No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.”*

**PD-H4 DISTRICT SIZE MODIFICATION**

Zoning Ordinance Requirements to be Modified

PD-H4 District

*“Section 4-102. A PD-H district, when mapped, shall be no less than fifty (50) acres in size for a PD-H3, no less than twenty five (25) in size for a PD-H 4, and a PD-H 6 district. Smaller parcels that are adjacent to and a logical extension of an approved PD-H district may be approved pursuant to 6-1500.”*

Proposed Modification

The Applicant requests that the 25 acre minimum for a PD-H4 zoning district be reduced to permit this 12.47 acre logical extension of the surrounding approved PD-H districts.

Justification

- Improve Upon the Existing Regulations. The surrounding properties are zoned PDH-4, such that after rezoning, the boundary line between the Property and the surrounding area will evaporate. This site will become part of the larger Brambleton community.

## **R-8 DISTRICT LOT COVERAGE MODIFICATION**

### Zoning Ordinance Requirements to be Modified

#### R-8 Single-Family Residential District

*“Section 3-508. Building Requirements. (A) Lot Coverage. 50 percent maximum.”*

### Proposed Modification

The Applicant requests that the lot coverage requirement for single-family attached dwellings be modified to allow sixty percent lot coverage.

### Justification

- Innovative Design. The size of single-family attached townhomes continues to grow to accommodate provide a single-family detached living experience without the burdens of a larger lot size and the appurtenant yard upkeep. The resulting tighter grouping of dwellings is consistent with the RGP’s objectives of maximizing the amount of usable common open space and of designing short blocks that encourage pedestrian movement. Additionally, the larger lot coverage is permitted by the ADU provisions of the ADU ordinance as a means for encouraging the incorporation of affordable dwelling units in developments of 50 or more dwelling units. The requested modification affords similar incentives for traditional design options.

## **R-8 DISTRICT MAXIMUM BUILDING HEIGHT MODIFICATION**

### Zoning Ordinance Requirements to be Modified

#### R-8 Single-Family Residential District

*“Section 3-508. Building Requirements. (B) Building Height. 35 feet maximum.”*

### Proposed Modification

The Applicant requests that the building height maximum be modified to allow building heights of up to 40 feet.

### Justification

- Innovative Design. As discussed above, the size of single-family attached townhomes continues to increase, including the overall height of the townhomes. Townhomes are taller today than they were even five years ago in order to accommodate interior ceiling heights of up to ten feet. Taller ceiling heights is a direct response customers who are demanding the amenities of a traditional single-family detached home in a single-family attached townhome and the additional natural light that is provided in a taller townhome.

One of the ways we are able to meet these demands is by providing townhomes that nominally exceed the maximum height in the Zoning Ordinance. Applicant acknowledges that zoning ordinance changes recommended by the Zoning Ordinance Review Committee would allow single-family attached units of up to 45 feet in height. The Applicant is not seeking to develop up to this height and merely seeks a modest increase in height of the units.

## **LOT ACCESS REQUIREMENT MODIFICATION**

### Zoning Ordinance Requirements to be Modified

*“Section 1-205(A). Lot Access Requirements. No structure requiring a building permit shall be erected upon any lot which does not have a frontage on a Class I, Class II, Class III Road, or private access easement...”*

### Proposed Modification

The Applicant requests that the zoning ordinance is modified to allow units to be developed which do not have a frontage on a public-right-of-way or private access.

### Justification

- Innovative Design. The Applicant seeks the ability to develop four units at the south eastern corner of the Property, which do not have a frontage onto a public right-of-way or private access. The proposed units would front onto open space and be accessed to the rear from a private alley. The modification will allow the units to front towards Route 621 Relocated thereby providing a more attractive streetscape than views of the rear of the properties would provide. Applicant also believes that the proposed layout will allow the maximizing of open space at the Property.

## **SUMMARY**

The requested modifications are modest relaxations of the Zoning Ordinance regulations that provide the flexibility to design the most attractive residential community, with the most desirable single-family attached architecture, under the traditional design option. The requested modifications meet the criteria of Section 6-1504 by promoting innovative design and improve upon and exceed the purposes of the existing regulations. The proposed development of the Property will provide nearly over 50% open space at the Property, as natural, landscaped and civic areas, a clear indication that the modification is not intended for the primary purpose of achieving maximum density. The Applicant respectfully requests approval of these modifications.

# Cooley Godward LLP

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March 3, 2006

Mr. Mike Elabarger  
Planner – Land Use Review  
County of Loudoun  
Department of Planning  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, VA 20177-7000

Re: **Brambleton Corner; ZMAP 2004-0025**  
**Response to First Referral Comments**

MAR - 6 2006

Dear Mike:

This letter constitutes our response to the staff and agency review comments we have received to date regarding the above-referenced rezoning application. The staff/agency review comments are addressed below in chronological order. Each agency's comments are summarized (noted in italics) and followed by our response.

## COMMUNITY PLANNING

1. *Staff finds that the Plan does not support the proposed residential land use of the subject site which is planned for General Industrial uses. However, based on the planned residential development and rezoning of adjacent properties for residential uses, the proposed rezoning of the subject site may be considered appropriate. Should the subject site be considered for residential rezoning staff recommends that the General Residential Policies of the Plan be applied in the review of the application.*

**Applicant acknowledges and agrees with Staff's analysis.**

2. *Staff finds that the proposed residential use is compatible with the densities and development patterns of the surrounding planned and recently approved residential communities.*

**Applicant acknowledges and agrees with Staff's analysis.**

3. *Staff recommends the applicant illustrate how the surrounding non-residential uses (within 1,500 foot radius of the site) will be made readily available to the proposed neighborhood.*

**The Property is located in the northeast corner of the future intersection of Route 621 Relocated and Route 659 Relocated. All uses to the south of Route**

A-136

621 Relocated in the vicinity of the Property will be non-residential in nature. The parcels to the east of Route 659 Relocated and south of Route 621 Relocated are largely flex industrial in nature and will provide employment and support service uses to the residents of Brambleton Corner. The Brandt rezoning application (ZMAP 2004-0024) proposes a small commercial center in the southwest quadrant of the future intersection of Route 621 Relocated and Route 659 Relocated. The small commercial center, if approved, will contain an assisted living facility, three stand alone restaurants, a pharmacy and a gas station/ service center with a related convenience store.

The residents of Brambleton Corner will also benefit from the Public Safety Center located to the east of the site on the south side of Route 621 Relocated (southeast portion of PIN 201-29-5424). Finally, the Applicant proposes the inclusion of a Type 1 Residential Center onsite. The Center is proposed to include a swimming pool, public open space, and a shared community space / pool house. These facilities will be accessible by, and open to, residents of Brambleton Corner and the neighboring Brambleton community.

4. *Staff requests specific detail regarding the civic and open space uses proposed for the community green and information on how the spaces will function within the proposed development. Staff further requests that the CDP depict the types of amenities that will be provided in the open space areas of the community green.*

Sheet 3 of the revised CDP illustrates a community green at the core of Brambleton Corner. The civic space associated with the green includes a swimming pool and a shared community space / pool house. These facilities will be accessible by residents of Brambleton Corner and the neighboring Brambleton community. Additional illustrative details are outlined on Sheet 7 of the CDP.

5. *Staff recommends that a detailed stormwater management program be provided outlining how the proposed stormwater management program will be incorporated into and protect the natural hydrological functions of the site.*

Stormwater management and BMP to serve this site will provided downstream within the greater Brambleton community. Note 15 has been added to the Cover Sheet of the CDP to address this in greater detail.

6. *Staff recommends that as much existing vegetation and trees as possible be incorporated into the design of the site. Staff requests that individual tree save and tree save areas be clearly delineated on the proposed CDP. Staff recommends commitment to the long-term maintenance of the tree save areas.*



Very little vegetation and few trees currently exist on the Property. The trees that compose the hedgerow at the eastern edge of the Property will be preserved and are so noted as a tree save area on the CDP.

7. *Staff has requested a formal determination from the Virginia Department of Conservation and Recreation of the presence of natural heritage resources on the subject site to verify these assumptions.*

**Acknowledged.** As reflected in the referral letter from the Virginia Department of Conservation and Recreation, no natural heritage resources have been identified onsite.

8. *Staff recommends the applicant commit to shielding all proposed exterior lights to eliminate glare and light trespass.*

**Note 10 on the Cover Sheet of the CDP has been added addressing lighting concerns.**

9. *Based on the consultant's recommendations and staff's review of the survey report, no further archeological investigations were recommended. Staff recommends that an intensive level architectural survey be conducted to document the principal dwelling and agricultural outbuildings prior to demolition. The survey information should be provided to the Virginia Department of Historic Resources for inclusion in the Virginia Historic Sites Inventory.*

**Applicant acknowledges and agrees with the staff's analysis that no further archeological investigations are needed. The Applicant, however, is unclear on Staff's recommendation of an architectural survey for the "principal dwelling and agricultural outbuildings." There are no existing structures on the Property and therefore an architectural survey is not possible.**

10. *Staff recommends delineating the Ldn 60 on the submitted plats. Staff further recommends the applicant commit to disclosure of noise contours per Plan policy through notions on the plats and through proffer language.*

**The submitted plats have been revised to reflect the delineation of the Ldn 60. Applicant will commit to the disclosure of noise contours to prospective purchasers in accordance with the Plan.**

11. *Staff requests that the applicant submit a traffic noise assessment in compliance with the latest version of the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended), as required by the County and described in the policies of the Revised General Plan. Staff also recommends that the*

March 3, 2006  
Page Four

*applicant provide commitments to any proposed noise mitigation measures or illustrate design changes necessary to comply with noise standards.*

**Applicant has engaged a traffic noise consultant to prepare a traffic noise assessment and such assessment is included with this letter. Based upon the assessment submitted, Applicant does not believe that any noise mitigation measures or design changes are necessary to comply with noise standards.**

*To ensure that the design guidelines of the Revised General Plan for a residential neighborhood have been addressed, staff recommends the application be amended to include the following design elements:*

- a detailed development plan depicting typical buildings, sidewalks, street trees, street lighting and street parking;*
- a detailed landscaping plan indicating the types and location of landscaping to be used within the development;*
- recreational and/or playground equipment and other amenities to be provided in the proposed community green for open and civic space uses; and*
- detailed information on the external trail network (i.e. trail width, materials, etc.).*

**The Applicant understands and acknowledges the design guidelines of the Revised General Plan. Sheets 3 and 7 of the revised CDP illustrate the Applicant's proposed design concept including connections to the Brambleton development trail system use of required open and civic space. The additional elements described above will included with the submission of a final development plan.**

12. *Staff requests information regarding the width and composition of the proposed sidewalks and trails. Staff recommends the following:*
  - all internal sidewalks be a minimum of 5 feet wide;*
  - trails through the common open space include design features that enhance the safety and security for users and property owner;*
  - the development be incorporated into the larger pedestrian and bicycle network for the Brambleton Development to create a continuous network of sidewalks and shared use paths; and that*

A-139

- *crosswalks across Route 659 Relocated (Belmont Ridge Road Relocated) and Route 621 Relocated (East-West Connector) be provided to create a safe environment for pedestrians and bicycles. The crosswalks should afford a visual and textural transition between non-vehicular and vehicular movements, such as a change in pavement type or at a minimum pavement markings.*

**Updated information regarding sidewalks, trails, and crosswalks have been provided on Sheets 3 and 7 of the revised CDP. Applicant agrees to provide internal sidewalks of at least five feet in width and to use every effort to incorporate the pedestrian and bicycle site into the larger Brambleton community.**

13. *Staff recommends contributions to the Open Space preservation program at an amount reasonable to purchase open space in the Dulles Community.*

**More than 50% of the Property is being preserved as internal open space. Applicant has therefore elected not to participate in the Open Space preservation program.**

**ZONING ADMINISTRATION**

- A. *Timing of Development Considerations: The Applicant should address the Timing of Development Considerations listed in Section 4-103 in the Statement of Justification.*

**The proposed Brambleton Corner will satisfy sustained demand for housing in eastern Loudoun and across the region. The development's proximity to the Dulles Greenway and other travel corridors will connect the development to jobs and services Loudoun County and in the greater Washington Metropolitan Area. Also, parcels to the east of Route 659 Relocated and south of Route 621 Relocated are largely flex industrial in nature and will provide employment and support service uses to the residents of Brambleton Corner. These opportunities are in addition to other employment and services associated with the adjacent Brambleton Town Center. Finally, the general pattern and organization of this community is consistent with the development patterns of the greater Brambleton community.**

- B. *Applicable Zoning Ordinance: All references to the 1993 Zoning Ordinance should be revised to reference the Revised 1993 Loudoun County Zoning Ordinance, as amended.*

**Acknowledged and revised accordingly.**

A-140

# **Cooley Godward LLP**

March 3, 2006

Page Six

- C. *Airport Impact Overlay District: Note # 1 on Sheet 1 of the Zoning Map Amendment Plan should be revised to specify that the subject property is located within the Ldn 60 – Ldn 65 component of the Airport Impact Overlay District (AI) and will be impacted by aircraft over flights and aircraft noise. In addition, it should be noted that the Applicant is required to provide 1) a Full Disclosure Statement, 2) Acoustical Treatment, and 3) Aviation Easements, in accordance with Section 4-1404(B) of the Ordinance.*

**Acknowledged and revised accordingly.**

- D. *Open Space:*

1. *On the Concept Development Plan (CDP), it is noted that the area identified as "Civic Space" is included in the open space calculations and is being used to meet the minimum 30% open space required pursuant to Section 4-111(A). The nature/use of the civic space should be specified in order to determine if this space meets the definition of open space and can be included.*

**Sheets 3 and 7 of the revised CDP illustrate a community swimming pool, public open space, and a shared community space / pool house. These facilities will be accessible by residents of Brambleton Corner and the neighboring Brambleton community.**

2. *The CDP must identify the intended purpose of all of the open space, in accordance with Section 4-111(A) and (B).*

**Acknowledged. Sheets 3 and 7 have been revised to identify the intended purpose of all open space.**

3. *On the CDP, under "Open Space" and "Parcel Breakdown", it states that 4.57 acres of open space is provided. This is not consistent with the 4.41 acres of "Open Space and Civic Space" identified under "Summary of Open Space and Civic Space" on the CDP. This inconsistency should be clarified or corrected.*

**Acknowledged and revised accordingly.**

4. *It is recommended that the CDP include a reference to the requirements regarding the ownership, operation and management of common open space and common facilities pursuant to Section 4-111(B).*

A.141

March 3, 2006

Page Seven

**Ownership, operation, and management of open space and associated common facilities will be at the direction of the Brambleton Homeowners Association.**

- E. *Active Recreation Space: On the CDP, under "Active Recreation", a note states that the Applicant will provide active recreation facilities on or offsite. The required active recreation space required by the R-8 Zoning District regulations will need to be provided within the boundaries of the subject application. The active recreation space, that meets the Ordinance definition of such space, should be identified on the CDP to include internal pedestrian walkways to access the space as required pursuant to Section 3-509(A).*

**Sheets 3 and 7 of the revised CDP illustrate a community swimming pool, public open space, and a shared community space / pool house including pedestrian walkways. These facilities will be accessible by residents of Brambleton Corner and the neighboring Brambleton community.**

- F. *Buffering and Screening: In accordance with Section 5-1406(E), the CDP should be revised to reflect the requirement of a Type 3 Buffer Yard with a 4' berm along Route 659 relocated, which is classified as a Minor Arterial Road.*

**Acknowledged and revised accordingly.**

- G. *Open Space Buffer:*

1. *It is recommended that a reference to the permanent/common open space perimeter buffer with a Type 2 Buffer Yard, required pursuant to Section 4-109(C)(2) and 3-509(C), be include on the CDP.*

**Applicant is requesting a modification of this section as applied to the northern property boundary. Brambleton Corner is designed as an extension of the greater Brambleton community (to include shared use of recreation and civic facilities, open space, trail systems, etc.). As a result, the northern boundary of the Property will become non-existent at the time of development. The purpose of these provisions of the zoning ordinance is to separate different uses from one another. Because this property will be part of the greater Brambleton Community and the uses are identical, compliance with this provision is not needed. Fulfillment of this requirement would negatively impact the intent to incorporate the development into the greater Brambleton community. If a modification is necessary, Applicant is happy to request one.**

A-142

March 3, 2006

Page Eight

2. *The CDP should be revised to depict a Type 2 Buffer Yard between the northern property boundary and the proposed public road.*

**See response to Item (G)(1) above.**

3. *The CDP should be revised to depict the 50 common open space buffer with a Type 2 Buffer Yard between the northern property boundary and the proposed private road.*

**See response to Item (G)(1) above.**

- H. *Private Streets: It is recommended that the CDP include a reference to the conditions required for the use of private streets pursuant to Sections 3-511(C) and 4-110(B).*

**Comment 20 has been added to the Cover Sheet of the revised CDP.**

- I. *Tree Canopy: It is recommended that the CDP include a reference to the 20% Tree Canopy required pursuant to Section 5-1303(A)(4).*

**Sheet 7 of the CDP has been revised to indicate the 20% tree canopy requirement. Further to that note, Applicant respectfully points out that tree canopy need not be confirmed until final site plan submission.**

- J. *Maximum Units Per Building: It is recommended that the CDP include a reference to the limitation of 8 townhouse units per building in accordance with Section 3-508(C).*

**Sheet 7 has been revised to indicate the requirement.**

- K. *Height Limitations at the Edge of PD-H Districts: It is recommended that the CDP include a reference to the height limitations required pursuant to Section 4-109(E). It is noted that the Applicant has requested a modification to the 35 foot maximum building height required by Section 3-508(B) to allow 40 foot high buildings. Based on the requirements of Section 4-109(E), a 40 foot high building will need to be located a minimum of 80 feet from the PD-H district boundary.*

**It is the Applicant's understanding that Section 4-109(E) of the Revised 1993 Loudoun County Zoning Ordinance does not apply when both the subject property and the adjacent properties are zoned PD-H and administered under the same zoning district. Parcels adjacent to the Property are zoned PD-H and the properties to the north are administered under R-8 regulations. The subject Property's proposed zoning is PD-H4, administered as R-8. Based on the compatibility and congruence of the zoning on the Property and surrounding**

**A-143**

March 3, 2006

Page Nine

parcels, the Applicant believe that the above referenced modification is not warranted. Applicant would appreciate Staff's confirmation of this understanding.

- L. *Ways for Pedestrians and Cyclist: The CDP should show how pedestrian walkways will be provided to meet the requirements of Section 4-100(F). It appears that dwelling units in Land Bay B will not have direct access to a sidewalk or trail.*

**Sheets 3 and 7 of the revised CDP illustrate proposed pedestrian walkways and trail system.**

- M. *100 Foot Setback: The CDP shows a 100 foot setback from Route 659 Relocated, with a portion of the setback falling within individual building lots. While the Ordinance does allow for the setback to be on individual lots, it is preferred that the setbacks fall outside of building lots. The setback will preclude all structures and buildings on the lots.*

**Acknowledged and revised to meet the requirement.**

- N. *Modification Requests: SECTION 6-1504, Modifications, of the Revised 1993 Zoning Ordinance states "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."*
1. *On Sheet 1 of the Zoning Map Amendment Plan, under "Modifications", number 6 should be deleted, as there are no side yards required from the rights-of-way. It is also noted that justification for this modification was not included with the Application.*

**Acknowledged and revised accordingly.**

2. *It is recommended that the two requested modifications to the front yard requirements pursuant to Section 3-506(C) be combined into one request.*

A-144

**Acknowledged and revised accordingly.**

3. *The first modification request to Section 3-506(C) includes a reference to Section 7-803 of the Affordable Dwelling Unit development regulations, which is not applicable – and should be removed.*

**Acknowledged and revised accordingly.**

4. *Clarification is needed regarding the Applicant's mention of the Revised General Plan's objectives of housing affordability as a justification for granting the requested modifications to the yard and lot coverage requirements. The Application is not required to provide ADUs, and it is not clear how the units will be deemed "affordable" by allowing reduced yards and increased lot coverage.*

**Housing policies of the Revised General Plan include support for strategies incorporating a variety of housing types and innovative designs as part of mixed-use communities (such as Brambleton) to achieve affordable housing goals. Further, a mix of housing options should be appropriately located in these communities to provide a balanced development program.**

**Economies of scale applied to a mixture of dwelling units types provides a variety of housing options to varying income levels. Specific to this project and its incorporation into the greater Brambleton community, the creation of more affordable housing opportunities ensures that everyone who needs housing can afford it. By increasing the permitted lot coverage and decreasing minimum yard requirements, Applicant can provide a high-quality product a reasonable price point within the same community.**

5. *Additional justification is needed regarding the request for increased building height. Currently, the justification speaks to customer demands for taller ceiling heights. Staff believes that the justification provided does not satisfy the modification approval criteria in Section 6-1504, stated above.*

**Limited land for housing and the resulting increased demand for amenities typical of SFD housing units within SFA footprints necessitates innovative design. A modest increase in building height (a) provides continuity of height when mixed with SFD units, (b) provides opportunities for increased light penetration for interior units, and (c) provides increased living areas within SFA units.**



6. *In accordance with Section 6-1504, it is recommended that the Applicant include additional materials demonstrating how the modifications will specifically be used in the design of the project.*

**Sheets 3 and 7 of the revised CDP illustrate the Applicant's proposed design concept (with modifications). Because additional details have not yet been determined, Applicant would like guidance as about what level of detail is needed.**

*O. Proffer Comments:*

1. *The Applicant has not provided any proffers to date. If the Applicant wishes to submit proffers for consideration, they are required to be submitted as part of the Applicant's response to the first written review of the issues (6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (6-1209(A)(2).*

**Acknowledged. Proffer statement forthcoming.**

2. *If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.*

**Acknowledged. Proffer statement forthcoming.**

*P. Comments on Notes (Sheet 1 of Zoning Map Amendment Plan):*

1. *It is recommended that Note # 9, regarding parking, be deleted, as the issue is covered by Note #16.*

**Acknowledged and revised accordingly.**

2. *Note # 12 needs clarification as to the "Final Layout" being referenced.*

**Acknowledged and revised accordingly.**

3. *Note # 14 should be checked for accuracy regarding the zoning of property surrounding the subject property, as it does not appear to be consistent with County records.*

**Acknowledged and revised accordingly.**

**ENVIRONMENTAL REVIEW TEAM**

1. *A preliminary soils review (PSR) has been conducted for the subject property. Please update the soils information provided on Sheet 6 to reflect the PSR. Further, to facilitate staff review and analysis, please provide a sheet that shows the soils overlay with the proposed road and development layout.*

**Acknowledged. Sheet 6 has been updated to reflect the PSR and a sheet has been provided that shows the soils overlay with the proposed development.**

2. *Staff notes that portions of Landbays A and B are located on soil mapping unit 79A, which is a hydric soil subject to seasonal perched water tables. Consistent with the PSR, staff recommends no below surface elevations (basement levels) in this soil mapping unit.*

**Applicant will develop Brambleton Corner in accordance with the geotechnical recommendations in order to mitigate problematic drainage and hydric soil issues.**

3. *Add soil mapping unit 78A to the soil types table on Sheet 8.*

**Acknowledged.**

4. *Please update Note #14 on Sheet 6 to reflect the correct wetland information, including the applicable United States Army Corps of Engineers (USACE) jurisdictional determination project number. The delineation found no wetlands or other waters of the U.S. within the project area. The USACE issued a jurisdictional determination confirming the wetland delineation on November 15, 1996 (USACE Project # 96-B615). The jurisdictional determination was reauthorized on January 24, 2002.*

**Note 14 has been updated accordingly.**

5. *A Forest Stand Delineation report, dated November 19, 2004, was submitted with the rezoning application. Based on the information provided in the report, there is the potential to utilize existing vegetation to meet buffer yard requirements, specifically the treed fence line along the eastern project boundary. As stated in the report, the treed fence line will also protect wetland located each of the project site. Staff recommends identifying this area as a tree conservation area (TCA) on the concept development plan. Staff also recommends providing a proffer that includes a*

*commitment to establish a tree preservation easement over this area and a commitment to remove any invasive species.*

**The treed fence line along the eastern project boundary has been identified on the CDP as a tree save area.**

6. *Note #15 on Sheet 1 states that stormwater management (SWM) and best management practices (BMP) are to be provided offsite. Staff requests additional information regarding this statement including the location and type of the SWM/BMP facilities. Staff recommends providing a commitment to treat water quality onsite. Staff recommends consideration is given to bioretention with an underdrain system and/or a constructed wetland as potential onsite LID approaches.*

**Stormwater management and BMP to serve this site will be provided downstream within the greater Brambleton community. Note 15 has been added to the Cover Sheet of the CDP.**

**VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION**

1. *According to the information currently in our files, natural heritage resources have not been documented in the project area. In addition, our files do not indicate the presence of any State Natural Area Preserves under DCR's jurisdiction in the project vicinity.*

**Acknowledged.**

**OFFICE OF TRANSPORTATION SERVICES**

1. *The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, two lanes of the East-West Connector Road should be constructed from the site east to existing Route 659. In addition, the applicant would be responsible for the construction of one half of a four lane divided road along the Route 659 Relocated frontage.*

**The proposed initial access will be either be from interparcel connections with the greater Brambleton community or off of Route 621 Relocated. If preliminary access is provided via Route 621 Relocated, the Applicant agrees to construct at least two lanes the Route 621 Relocated from the entrance to the Property west to Route 659 Relocated.**

2. *In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant*

*needs to provide all necessary construction related easements including drainage, grading and utility easements.*

**This comment is acknowledged with regard to Route 659 Relocated. While 60 feet of dedication area is appropriate for Route 659 Relocated because Route 659 Relocated is planned to be a six-lane divided road, Route 621 Relocated is planned to be a four-lane divided road. As a result, only 42 feet of right-of-way needs to be dedicated (as measured from the centerline of the roadway) for the through lanes.**

3. *The applicant needs to contribute to traffic signals at the existing and future intersections of Route 659 Relocated/Route 621 Relocated and the proposed site entrance onto Route 621 Relocated.*

**Applicant would consider contributing the monies necessary for these traffic signals to the Brambleton Transportation Improvement Fund, to be used for transportation improvements in the vicinity of the greater Brambleton community, and to the extent that capital facilities credit is given for these improvements.**

4. *The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton.*

**Updated information regarding sidewalk and trail connections has been provided on Sheets 3 and 7 of the revised CDP.**

5. *In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capital improvements such as provision of a bus shelter, a park & ride lot or purchase of buses.*

**As discussed with Art Smith, Senior Coordinator for the Office of Transportation Services, Applicant envisions utilizing its capital facilities contributions and mass transit contributions towards the construction of Loudoun County Parkway through the use of the Brambleton Transportation Improvement Fund.**

6. *The concept plan shows several proposed private roads within the site and private three street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance responsibilities and the right of mutual access? Please clarify.*

**The Property has been designed as an extension of the Brambleton community. Maintenance and right of mutual access will be under the auspices of the Brambleton Homeowners Association.**

*Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual.*

**Acknowledged.**

7. *It would be helpful if the applicant could submit documentation of the totality of Brambleton proffers through the completion of Brambleton. This would include improvements necessary for the Brambleton project to move to its second phase, this rezoning and the pending Brambleton Town Center rezoning.*

**Applicant and Applicant's representatives have had several meetings with Art Smith to discuss the status of the Brambleton development. If further questions exist, the Applicant would be happy to answer them.**

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

1. *The applicant should ensure on subsequent development plans that the design of a public road shall be in conformance with all applicable state standards.*

**Acknowledged. A typical section has been provided as part of the revised CDP.**

2. *In continuation with the comment stated and as a minimum the following should be considered for design of public roads and private entrances:*
  - *The design of all public roads should be per VDOT Road Design Manual, Appendix B, Subdivision Street Design Guide, latest edition based on the projected traffic volume (ADT).*
  - *All private streets/entrances should conform to VDOT's Minimum Standards Of Entrances to State Highways, Latest edition.*
  - *Meandering road alignments with multiple reverse curves, short curves and broken back tangents are not desirable and should be avoided.*
  - *Length of vertical and horizontal curves should be three (3) and fifteen (or minimum 200') times the design speed respectively.*

- *All intersections should be at ninety-degree angle.*
- *The landscaping proposed along public roads should provide adequate sight distance at every intersection.*
- *Sidewalk proposed within the right-of-way should conform to the requirements of SSR, Section 24VAC30-91-160, and other applicable design standards.*
- *Turning lanes (right and left) with tapers and transitions should be provided at each intersection.*

**Acknowledged. Design elements described above will included with the submission of a final site plan.**

3. *The following comments are provided on the Traffic Impact Study:*

- *Show the distance between each intersection*
- *Show the length of the existing/proposed turn lanes*
- *Use reasonable default values, signal timings, pedestrian phases, cycle length and phasings in Synchro analyses*
- *Re-evaluate site trip assignment at intersection #19*
- *Traffic volumes in Synchro do not match with the study*
- *For signalized intersection analysis, the minimum acceptable level of service criteria shall be applied to each lane group.*

**Distances between intersections and existing/proposed turn lanes at the study intersections are shown on the site plans and are generically coded in the Synchro files provided with the study. The traffic study has been completed on a planning level for rezoning purposes and presents the results consistent with the 2000 Highway Capacity Manual (HCM) methodology, in accordance with the Loudoun County Facilities Standards Manual (FSM).**

**Cycle lengths and corresponding signal timings were established from a base 120-second cycle length. The intersections were then analyzed under a fully actuated/traffic demand basis or optimized to meet forecasted traffic conditions. In most cases, the optimized cycle length selected fell below the 120-second base. The phasing was selected based on the lane usage and relative level of service outputs, which are also consistent with HCM**

methods. Pedestrian phasing is assumed to occur with the main signal phases.

The site trip assignments at intersection #19 have been reviewed and are consistent with other trip assignments.

Figure 16, 2010 Total Future Traffic Forecasts depicted incorrect volumes. An updated figure is provided with these responses. The Synchro files provided and corresponding analyses results shown in the study are correct.

The LOS standards as contained in the FSM have been met.

4. *The applicant should be aware that the information provided in this rezoning application is purely conceptual and in no way represents an acceptable layout since adequate information is not provided at this time. We will however review this plan in detail when preliminary/ or construction plans are submitted in future to verify conformance. We also reserve the right to recommend revision, which may be major in some cases, if the public road alignment is found unacceptable and not conforming to applicable VDOT standards.*

**Acknowledged.**

**LOUDOUN COUNTY PUBLIC SCHOOLS**

1. *A proportionate share of this project's capital facilities contribution should be set aside for public school capital projects. This designation should be noted with the Capital Facilities Contribution proffer statement (or other appropriate documentation) for Brambleton Corner.*

The application of any capital facilities contributions is in the discretion of the Board of Supervisors. As the Brambleton community will contain three elementary schools and one high school upon build out, the Applicant will seek to have any capital facility contributions generated by this application applied to the Brambleton Transportation Improvement Fund for the construction of Loudoun County Parkway.

2. *The absence of safe walking paths throughout Loudoun County is becoming a more important issue to parents in a county where traffic volumes are increasing on a daily basis. Accordingly, in order to ensure that students residing within Brambleton Corner can safely walk to and from bus stop locations, pedestrian walkways should be provided and allow for public access easements.*

As noted above, the greater Brambleton community contains an extensive network of sidewalks and trails. This network will enable students to safely walk to and from bus stop locations.

**LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES**

1. *The Park is on schedule to be dedicated to the County late fall of 2006; however, without at least parking and fencing, it will not be accessible to the public. PRCS is available to meet with the Applicant and Planning Department to discuss and evaluate the necessary improvements that benefit and completes the facilities for public use.*

The Brambleton Regional Park was dedicated by the Applicant in connection with the original rezoning of the community. The Applicant will seek to have any capital facilities contributions generated by this application applied to the Brambleton Transportation Improvement Fund for the construction of Loudoun County Parkway. The Applicant is happy to discuss the application of some portion of any excess funds to the further improvement of the park.

2. *The applicant should demonstrate to staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in Dulles south area.*

At build-out, the Brambleton community will more than adequately serve the recreational and leisure benefits of Brambleton residents and County residents. In addition to the Brambleton Regional Park site and related ancillary fields dedicated in connection with the rezoning of the Brambleton community and in addition to the fields and recreational facilities that will be provided in connection with three elementary school sites and one high school site dedicated by Brambleton, the Brambleton community will provide at least three (3) community centers (including pools), four (4) tennis courts, four (4) multi-purpose courts, seven (7) tot lots, three (3) soccer fields, three (3) softball fields, miles of trail network, countless pocket parks and open space, and one (1) golf course at build-out. As such, the Brambleton community can more than adequately provide for the residents of this 49 townhome development.

Applicant respectfully submits that the recreational and leisure needs of these residents can be met without taxing the existing public recreational facilities in the vicinity of the Property.

3. *Please verify that the appropriate bicycle accommodations have been addressed on the plans.*



**Applicant has addressed the appropriate bicycle accommodations (as required by the County's Bicycle and Pedestrian Plan) on the plans.**

4. *Please clarify on sheet 7 of 8 the proposed eight (8) foot trail. The legend depicts the trail as a solid line however; the trail proposed along relocated Rt. 659 is dashed. The same is true for the proposed sidewalk, the legend shows it as solid, yet it is dashed on the plan. Please revise for consistency.*

**Acknowledged.**

5. *Please provide more information on the civic space, what is its use.*

**See above as addressed in response to comments from Community Planning.**

**LOUDOUN COUNTY DEPARTMENT OF FIRE-RESCUE**

1. *The Fire Marshal's Office offers the following comments and recommendations to reduce the risk of fire:*
  - *Installing fire detection systems in accordance with IBC 907, including those structures not required by the International Building Code (IBC 903).*
  - *Installing alarms and supervision in accordance with IBC 907, including those structures not required by the International Building Code (IBC 903).*
  - *Installing automatic sprinklers in all structures of combustible construction, including those structures not required by the International Building Code (IBC 903).*
  - *Burning of construction or demolition materials is not permitted.*

**Applicant will addresses these recommendations at the building plans review stage, including fire lane requirements if applicable.**

2. *The applicant indicates that the site will be served by public water and sewer. Fire hydrant specifications and locations shall be in accordance with LCSA standards. Testing should be conducted to verify the adequacy of pressure and volume for fixed fire protection systems if installed, and for manual firefighting purposes.*

**Acknowledged.**

# **Cooley Godward LLP**

March 3, 2006

Page Twenty

3. *Fire department access roads shall be of an approved surface material that is capable of providing emergency vehicle access and support at all times, and shall be a minimum of 20 feet in unobstructed width. The access roadways shall provide a minimum turning radius capable of accommodating the largest fire apparatus of the jurisdiction and a minimum vertical clearance of 13 ½ feet.*

**Acknowledged.**

## **LOUDOUN DEPARTMENT OF SOCIAL SERVICES**

1. *The requirements of the Affordable Dwelling Unit Program do not apply to the subject project, as proposed [per Section 7-102(A)] since the subject proposal does not yield fifty (50) or more dwelling units at an equivalent density less than one unit per gross acre.*

**Acknowledged.**

## **LOUDOUN COUNTY SANITATION AUTHORITY**

1. *Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. Also, please note that LCSA easements will be required to be dedicated for water and sanitary sewer facilities located within private streets.*

**Acknowledged.**

As always, if you have further questions or if I can provide additional information, please do not hesitate to call or email. We look forward to continuing to work cooperative towards a positive resolution of this case.

Sincerely,



Colleen Gillis Snow

CGS:ns

Enclosures

A. 155

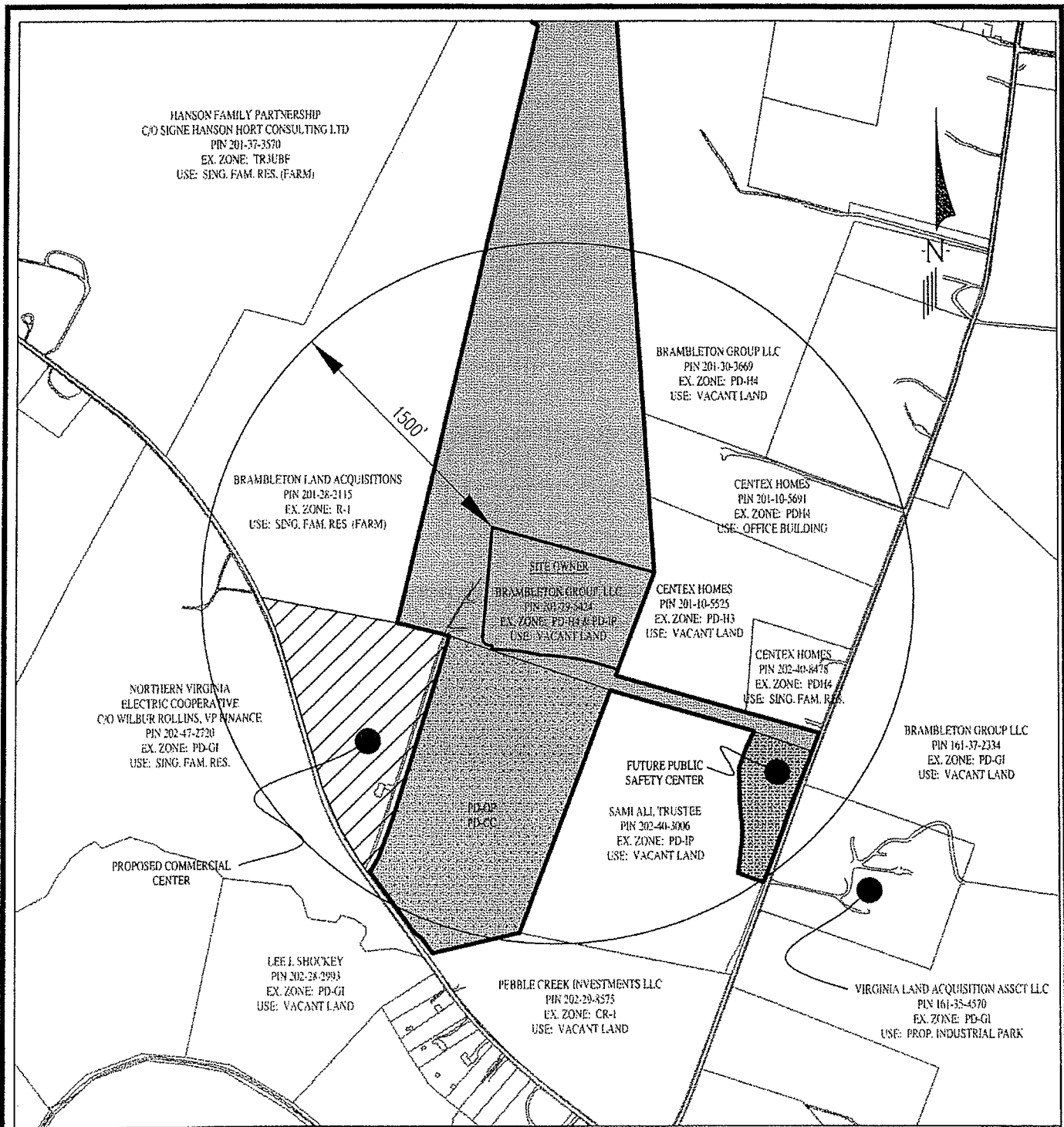
# Cooley Godward LLP

March 3, 2006  
Page Twenty-One

cc: Stephen T. Schulte, P.E., Brambleton Group, LLC  
David T. McElhaney, P.E., Urban Engineering & Associates, Inc.  
Brian Sears, P.E., Urban Engineering & Associates, Inc.  
Jody Leidolf, Parker Rodriguez  
Christopher Turnbull, Wells & Associates  
Antonio J. Calabrese, Cooley Godward LLP

256661 v3/RE

A-156



1500' LAND USE MAP  
**BRAMBLETON CORNER**  
DULLES ELECTION DISTRICT  
LOUDOUN COUNTY, VIRGINIA

SCALE: 1"=750'  
DATE: 03/01/06



**Urban Engineering & Associates, Inc.**

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A-157

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June 15, 2007

Mr. Mike Elabarger  
Department of Planning and Zoning  
1 Harrison Street, S.E.  
3rd Floor  
PO Box 7000  
Leesburg, VA 20177

**RE: ZMAP 2004-0025 / ZCPA 2006-0011, Brambleton Corner**

Dear Mike:

This letter provides the Applicant's Response to third referral comments received from Loudoun County Staff. Staff's comments are provided in italics and are followed by the Applicant's Response in bold.

ZCPA 2006-0011

**Parks, Recreation and Community Services**

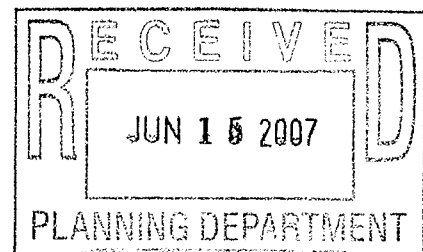
*PRCS offers no objection to the application approval based on the material provided.*

**Response:** Comment acknowledged and appreciated.

**Environmental Review**

*I have no additional comments for the ZCPA.*

**Response:** Comment acknowledged and appreciated.



**Department of Building and Development**

*Staff recommends that for ease of administration, the Applicant submit a request to delete one of the approved community recreation sites proffered with ZMAP 1993-0003/ZCPA 1993-0007 through this ZCPA application, and instead locate a pool/bathhouse in Land Bay 2. Staff also recommends that a community recreation center be added as part of the rezoning application for Brambleton Corner ZMAP 2004-0025.*

Mr. Mike Elabarger

June 15, 2007

Page Two

**Response:** Following further discussion with Staff on this matter and further to an e-mail from Val Thomas dated May 11, 2007, the Applicant shall retain its initial approach in pursuing to amend the Concept Plan. As agreed with Staff, this approach will allow the Applicant the flexibility to build the second and third community recreation site at Brambleton in either Land Bay 1 or Land Bay 3 depending on which Land Bay is developed first.

*Because the two applications (ZMAP & ZCPA) are interconnected, Staff recommends that the two applications be taken together to the Planning Commission and Board of Supervisors public hearing.*

**Response:** For the reasons set out above, the Applicant will not be separating the ZMAP and ZCPA applications as initially suggested by Staff.

*The proposed pool/bathhouse must be shown on the revised Concept Development Plan ("CDP") and the nature and details of such pool be included in the proposed Proffer Statement.*

**Response:** The location of the proposed pool/bathhouse is currently shown on Sheet 8A of the plan set in Land Bay 2. The minimum required size of the facility is discussed in the revised draft proffers.

*On Proposed Sheet 8A, for clarity, please revise the language "limits of concept plan amendment" to "limits of zoning map amendment".*

**Response:** The Applicant believes that the language used on Sheet 8A needs to remain. The Sheet identifies the Brambleton Corner Property and the proposed location of the pool/bathhouse as being the limits of the concept plan amendment. It is for these two locations that the Applicant seeks to amend the approved Brambleton concept plan. The extent of the rezoning is shown on Sheets 5 and 7 of the plan set.

*On Proposed Sheet 8A, the limits of zoning concept plan amendment should include all undeveloped area and the proposed pool area in Land Bay 2.*

**Response:** Sheet 8A shows the proposed changes to the zoning concept plan in Land Bay 2 and Land Bay 3. The remainder of the Brambleton is not subject to this application and will remain governed by the existing Brambleton proffers. Applicant does not believe that all undeveloped area should also be included.

*Revise Sheet 4A of the approved Brambleton development to indicate the changed proposed with this application, to include in the "Breakdown of Use by Land Bay" table, the proposed deletion of the Community Recreation Center in Land Bay 2 and the addition of the pool/bathhouse in the same Land Bay. Also revise the calculation of the total area of PD-IP in Land Bay 3. This should be reflected in the proffer statement as well.*

Mr. Mike Elabarger

June 15, 2007

Page Three

**Response:** The proposed changes to the plan set reflect Staff's initial suggested approach to the ZCPA application. For the reasons discussed above and as agreed with Staff, these changes are not necessary.

*On Sheet 8A, revise the acreage of the PDH and PD-IP zoning district in the "Development Program" table.*

**Response:** Comment acknowledged.

*With regard to the Draft Proffer Statement dated December 13, 2006, Staff has the following comments:*

- In the Preamble, Brambleton is identified as the owner of parcels in Exhibit A. However, Sheet 8A of the ZCPA Plan set includes the parcel identified as MCPI# 202-40-3006, which is owned by Sami Ali Trustee. As this parcel is included in the original Brambleton rezoning approval, any concept plan amendment that includes this parcel should have consent and signatures of that owner. Please correct/clarify this inconsistency.*

**Response:** Comment acknowledged. Please see the revised plan set.

- With regard to Proffer #1, in line 5, the parcels governed by the proffers are identified on Exhibit A, not Sheet 8A. Please correct/clarify this.*

**Response:** Comment acknowledged. Please see the revised draft proffer statement.

- As noted earlier, Staff recommends that proposed Proffer #3 is revised to delete one of the three approved community recreation center sites and add a pool/bathhouse to the original approved Brambleton Proffer Statement.*

**Response:** As discussed above, the Applicant has agreed with Staff that this approach would not allow Brambleton the required flexibility to develop the next community recreation site in Land Bay 1 or Land Bay 3. The proffers have not been revised to delete one of the three community recreation sites.

*On Sheet 8A, provide a consistent symbol identifying the residential centers in the legend. As shown, some are highlighted in green and others not.*

**Response:** Comment acknowledged. Please see the revised Sheet 8A.

## **Fire, Rescue and Emergency Management**

*We have nothing further to add for the above referenced project after reviewing the third submission.*

Mr. Mike Elabarger  
**June 15, 2007**  
Page Four

**Response:** Comment acknowledged and appreciated.

### **Community Planning**

*Community Planning supports the zoning concept amendment application and recommends approval provided the applicant commit to the draft proffer language.*

**Response:** Comment acknowledged and appreciated.

### ZMAP 2004-0025

#### **Arcola Pleasant Valley Volunteer Fire Department**

*Comment: In reviewing the latest Referral Comments dated April 20, 2006, the applicant did not address our comments submitted in our letter dated March 23, 2003, regarding the language we recommend for requiring all builders to contribute \$250.00 per residential unit as permitted. The Response as currently written is undesirable to the APVVFD, and shall be noted that we maintain our position as outlined in our letter dated March 23, 2003. The applicant should view the proffer/contribution offered by Frontier Springs and others as the model to support fire and rescue services to the community they are developing. Should the applicant disapprove with our request, the APVVFD will present our position at the next scheduled Planning Commission or Board of Supervisors meeting for this project.*

*We hereby request that our Department be afforded the opportunity to review and approve any resided documents related to fire and rescue contributions regarding this application.*

**Response:** The Applicant proposes the contribution of \$120.00 escalated on a yearly basis from the base year of 1988 as per County requirements.

#### **Department of Building and Development**

##### *I. Modifications (Section 6-1504):*

- ii) PD-H District, Section 4-102, Size and Location: - Staff agrees with the Applicant and can support this modification request. The small portion of land zoned PD-IP is surrounded by land zoned PD-H4, and staff believes incorporating this into the PD-H4 zoning is appropriate given the zoning of adjacent land.*

**Response:** Comment acknowledged and appreciated.

~~*ii) R-8 District (Single-Family Residential), Section 3-506(C), Yards, (3) Front: Traditional Design Option for Single-Family Attached, (a) Front: - It is not clear to Staff as to the*~~



Mr. Mike Elabarger  
June 15, 2007  
Page Five

*intent of this modification request. The Ordinance requires a minimum yard of 12 feet from the back of the curb where vehicular access to parking is provided from the rear of the lot. The Applicant is requesting a modification to allow a front yard setback of twelve feet from the back of the curb of the private roadway or fifteen feet from the public right-of-way. Staff asked that the Applicant clarify this modification request, provide an illustrative and indicate on the GDP where the modification is proposed, and provide a justification as to how the modification request provides for an innovative design, improves upon the existing regulation or exceeds the public purpose of the Ordinance.*

**Response:** The Applicant is no longer requesting this modification.

- iii) *R-8 District (Single-Family Residential), Section 3-508 Building Requirements (A) Lot Coverage. 50 percent maximum: - The incentive for lot coverage for ADU units is provided in order to allow the additional density permitted by the provision of ADU units and it is noted that the Applicant is not proposing ADU units with this application. Staff believes that the layout could be designed to maximize the amount of usable common open space and include short blocks that encourage pedestrian movement as is typical in a traditional design development without exceeding the maximum permitted lot coverage. It is not clear how this proposal provides for an innovative design or exceeds the public purpose of the Ordinance. Staff cannot support this modification request.*

**Response:** The Applicant maintains that this modification request is necessary to provide a development which maximizes usable common open space by grouping units together. The Applicant believes that without the requested modification, the provision of such units would be prevented by the district setback requirements.

- iv) *R-8 District (Single-Family Residential), Section 3-508 Building Requirements. (B), Building Height. 35 feet maximum: - Staff believes that the current justification about customer demands for taller ceiling heights do not satisfy the modification approval criteria in Section 6-1504. Staff believes that additional justification is needed regarding the request for increased building height. Staff cannot support the modification request at this time.*

*Staff believes that a modification of Section 4-109(E) is not required as the two adjacent districts are both PD-H4 zoning districts.*

**Response:** Applicant maintains that the size of single-family attached townhomes continues to increase, including the overall height of the dwellings. Homes are generally taller today than they were a mere five years ago. Applicant also acknowledges that the zoning ordinance changes recommended by the Zoning Ordinance Review Committee include a height of 45 feet for townhouse units. The Applicant does not seek to develop homes of this height, but merely seeks a modest increase in height to 40 feet. The taller townhome units will be characterized with steeper rooflines, false dormers and other architectural features that will be aesthetically

Mr. Mike Elabarger

June 15, 2007

Page Six

pleasing, will distinguish them from standard townhomes and will provide for a varied, innovative and interesting streetscape.

Applicant has removed the modification request for Section 4-109(E) from this application.

- v) *PDH District, Section 4-110 Site Planning – Internal Relationships (I) - There is an intervening street on the northern side of the property and Staff believes that this modification request is not necessary as the 50-foot minimum permanent open space buffer is not required.*

**Response:** Comment acknowledged and appreciated.

II. Proffer Statement:

1. *It appears that the Applicant is only proffering substantial conformity of the CDP (Sheet 7). Please clarify if the combined CDP (Sheet 8) and Proposed Development Plan (Sheet 8A) are not proposed to be proffered.*

**Response:** Please see the revised draft proffers, which confirm that the Property will be developed in substantial conformity with Sheets 7, 8 and 8A of the plan set.

2. *With regard to Proffer I, Staff request clarification as to how the proffers associated with this application relates to the original proffers approved for Brambleton (ZMAP 1993-0005/ZCPA 1993-0007), since the property that is included in this application was also part of the original Brambleton rezoning.*

**Response:** The proposed ZMAP proffers for Brambleton Corner will supersede the existing proffers covering the Property.

3. *It should be noted that there are applications currently in process to amend the approved Concept Plan (ZCPA) for Brambleton with regard to the locations of two elementary schools, the alignment of the golf course, and the locations of the religious facilities and day care centers as well as a ZCPA for the Brambleton Town Center. This will impact the proffers, the approved "Breakdown of Uses by land bay" on Sheet 4A as well as the "Development Program" on Sheet 4B of the original approved Brambleton application. Staff believes that Sheets 4A and 4B as well as the proffers may need to be revised to reflect the changes. It is noted that the Applicant has included revised Sheet 4B as Sheet 8A with this application.*

**Response:** Comment acknowledged. Sheet 8A of the plan set reflects all recent amendments to the Brambleton Concept Plan.

4. *With regard to proffer III.A., the Applicant must clarify on the proffer statement the size of the community center and pool as well as the pool/bath house. Staff recommends that materials for the same be specified.*

Mr. Mike Elabarger  
**June 15, 2007**  
Page Seven

**Response:** Please see the revised draft proffers. The community center shall be a minimum of 5,000 square feet in size with a pool of a minimum of 25 meters in length and 6 lanes in width.

The pool/bathhouse shall be a minimum of 2,000 square feet in size. The facility shall also provide a pool of a minimum of 25 meters in length and 6 lanes in width.

5. *Correct the numbering of the proposed Proffers. There appears to be mislabeling or Proffer III.B. is missing (page 2).*

**Response:** Comment acknowledged. Please see the revised proffers.

6. *With regard to Proffer IV.A.1., in the last sentence, include the "10-foot wide" multi purpose trail to be maintained by the HOA as shown on the CDP.*

**Response:** Proffer VII of the draft proffers confirms that proposed trails will be maintained by the HOA. The width of the trails is confirmed in Proffer III.C.1.

7. *With regard to Proffer IV.B., in the last sentence, include the "10-foot wide" multi purpose trail to be maintained by the HOA as shown on the CDP.*

**Response:** As set out above, Proffer VII of the draft proffers confirms that proposed trails will be maintained by the HOA.

8. *With regard to Proffer IV.C., in the last sentence, replace the word "this" with "the" in ".....this issuance of each residential zoning permit".*

**Response:** The draft proffers no longer reference a Brambleton Transportation Improvement Fund. The proffer language referenced by Staff has been removed.

9. *Remove the modification request to waive the 50-foot permanent open space buffer from Exhibit A, as this modification is not necessary.*

**Response:** Comment acknowledged. Please see the revised proffers.

III. *Other:*

1. *On the CDP (Sheet 7), it appears that the Applicant has calculated the community center building towards the open space calculation. It should be noted that although the swimming pool, considered active recreation space, may be counted towards the calculation of the required open space per Section 4-111(A), the community center building should be removed from such calculation. Therefore, the note that depicts 57.3% of land as open space should be revised accordingly.*

**Response:** Comment acknowledged. Please see the revised Sheet 7 of the plan set.

Mr. Mike Elabarger  
**June 15, 2007**  
Page Eight

2. *Note # 12 on the Cover Sheet needs to be revised to clarify that the layout of the lots and roads as well as open space location may vary slightly due to engineering constraints. As written, it implies that at site plan, the lot layout may change completely.*

**Response:** Comment acknowledged. Please see the revised note 12.

3. *On the CDP (Sheet 7) clearly depict the proposed 10-foot trail.*

**Response:** Comment acknowledged. Please see the revised Sheet 7.

4. *On the CDP (Sheet 7), remove the word "possible" from "possible tree save area" (from the legend and drawing) as the plan is proposed to be in substantial conformance with the CDP, and this implies that there may not be a tree save area.*

**Response:** Comment acknowledged. Sheet 7 has been revised to show a Tree Conservation Area.

5. *The CDP depicts an area of ZCPA for the residential center and open space. However, there is no ZCPA application included with this rezoning application, and the Applicant has included a ZCPA Sheet (Sheet 8A) that reflect revision of the original approved CDP (Sheet 4A only). Staff recommends that the Applicant clarify submission of a ZCPA application that amends the original CDP of Brambleton and proffers for the site in addition to a rezoning application. A separate ZCPA number should be assigned to the application.*

**Response:** The Applicant has submitted a ZCPA application for Brambleton Corner (ZCPA 2006-0011). Please see the revised plan set and ZCPA proffers.

6. *On the Cover Sheet, depict and label the LDN 60-65 of the Airport Impact Overlay District on the Vicinity Map.*

**Response:** Comment acknowledged. Please see the revised Cover Sheet of the plan set.

7. *The zoning district for the property to the north, owned by Centex Homes, is PD-H4 not PD-H3 district. Please correct this on the Cover Sheet as well as on Sheet 5.*

**Response:** Comment acknowledged. Please see the revised plan set.

8. *On the Cover Sheet, correct the numbering of the Sheets to depict "Sheet 1 of 8A".*

**Response:** Comment acknowledged. Please see the revised Cover Sheet.

9. *On Sheet 5, provide the metes and bounds for the portion of the parcel proposed to be rezoned to the PD-H4 zoning district.*

Mr. Mike Elabarger  
June 15, 2007  
Page Nine

**Response:** Comment acknowledged. Please see the revised Sheet 5.

10. *The CDP (Sheet 7) depicts lot lines that encroach into the private roads and open spaces. The Applicant must clarify if the private roads are alleys and should note that ingress/egress easements must be recorded prior to record plat approval of the lots. Further, the CDP should be revised to remove lot lines encroaching into open space.*

**Response:** Comment acknowledged. Please see the revised CDP.

11. *On Sheet 8A, the Applicant is proposing a Residential Center Type 1 within the limits of the ZCPA. Staff believes this is associated with the community center and pool for the proposed development, and is in addition to the approved Residential Centers for Brambleton. It should be noted that Brambleton is approved for no more than three (3) community centers, which must be located in or around Residential Centers or adjacent to the Town Park, as identified on the approved Development Plan. Further, each site shall be a minimum of 4 acres and a maximum of ten (10) acres.*

**Response:** Comment acknowledged. The Applicant has submitted a ZCPA application to allow a community recreation site to be provided at the Property.

12. *Sheet 8A that depicts the limits of the ZCPA application must be revised to reflect the correct acreage for the PD-IP zoned and PD-H4 zoned areas of Brambleton (Development Program) as well as total number of units in Land Bay 3, if applicable.*

**Response:** Comment acknowledged.

#### **Department of Building and Development – Environmental Review Team**

1. *Note 15 on Sheet 1 states that Stormwater Management (SWM) and Best Management Practice (BMP) to serve this site will be provided downstream within the greater Brambleton community. As previously stated, staff requests additional information regarding this statement, including the facility type(s), construction status (existing or proposed), location, and associated application number(s). This information is needed in accordance with Section 6-1211(E)(9) of the Revised 1993 Loudoun County Zoning Ordinance, which requires the Planning Commission to consider the effect of the proposed rezoning on water quality.*

**Response:** Comment acknowledged. Please see the revised Cover Sheet.

Mr. Mike Elabarger

June 15, 2007

Page Ten

2. As previously stated, staff recommends providing water quality measures onsite. Staff recommends that a low impact development commitment be provided similar to the following, which was provided with the rezoning for the property immediately to the east (ZMAP-2003-0007 Graham-Flynn-Biggers Property):

*"The owner will implement low impact development measures (LID) in the development of the property. The owner shall work with the County to implement those LID measures deemed likely to be effective on the property, based on constraints of the property. The LID measures, if applicable, will be designed and implemented in accordance with the adopted provisions of the Facilities Standards Manual (FSM)"*

**Response:** Please see the revised draft proffers, which include a commitment to LID measures at the Property.

3. To promote awareness to water quality protection, staff recommends that the applicant provide a commitment similar to the following, which has been provided with other approved rezoning projects:

*"All storm drainage inlet structures on the Property shall be marked to indicate that they drain to the Potomac River and that no dumping into such inlet structures is permitted. The Homeowners Association (HOA) documents shall include provisions requiring the HOA to maintain such markings."*

*"At the time of property settlement, all prospective purchasers and all contract purchasers of homes constructed on the Property shall be provided with information regarding property owner management practices that will protect water quality. This documentation will incorporate a statement that it is unlawful to dispose of petroleum products in the storm drainage system, will include information regarding safe disposal of petroleum products and will educate property owners on the safe use of fertilizers, pesticides, and insecticides in maintaining their private landscaping."*

**Response:** Comment acknowledged. Please see the revised draft proffers.

4. The Forest, Trees, and Vegetation Policies of the Revised General Plan encourages the preservation of existing vegetation (Page 5-32). Possible tree save areas are depicted on the concept development plan (CDP). Staff recommends that the applicant provide a tree conservation commitment similar to the following which has been provided with other approved rezoning projects:

*"Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the*

Mr. Mike Elabarger  
**June 15, 2007**  
Page Eleven

*Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development."*

*"If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to any subsequent bond release for the Property, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County."*

*"The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants."*

**Response:** Comment acknowledged. Please see the revised draft proffers, which provide a commitment to the creation and preservation of Tree Conservation Areas.

5. *Staff recommends that the reference to "possible" tree save areas be removed from the CDP due to the flexibility incorporated into the tree conservation language provided above.*

**Response:** Comment acknowledged. Please see the revised CDP.

6. *Update Note 6 on Sheet 6 to include the title and date of the PSR (Brambleton Corner, January 18, 2005).*

**Response:** Comment acknowledged. Please see the revised note.

Mr. Mike Elabarger  
**June 15, 2007**  
Page Twelve

**Department of Family Services**

*On this approximately 12.5 acre tract located in the northeast quadrant of intersection of future East-West Connector and Relocated Route 659, the total number of units being proposed is forty-nine (49) SFA. The requirements of the Affordable Dwelling Unit Program do not apply to the subject project, as proposed [per Section 7-102(A)] since the subject proposal does not yield fifty (50) or more dwelling units at an equivalent density less than one unit per gross acre.*

**Response:** Comment acknowledged.

**Department of Fire and Rescue**

*The Fire and Rescue Planning Staff and the Fire Marshal's Office have no further comments after review of the second submission.*

**Response:** Comment acknowledged.

**Department of Parks, Recreation and Community Services**

- 1. PRCS is encouraged and supportive of the Applicants vision and offer to evaluate proffering meaningful upgrades at Brambleton Community Park. Under the original Brambleton rezoning application (ZMAP 1993-0005), the Applicant (Brambleton Land Corporation) proffered to dedicate approximately twenty-four (24) acres for a Community Park which was to include: two (2) football fields, one (1) soccer field, four (4) softball fields, and two (2) baseball fields. However, the Applicant under the proffer is only required to grade, seed, and provide goal post and /or backstop and home plate, according to the type of fields. Parking, lighting, irrigation, fencing (baseball, softball outfields and perimeter/site), bleachers, restrooms, concession, storage facilities, and utilities are not included in the original proffer and therefore, become the responsibility of the County to provide. The Park is on schedule to be dedicated to the County late fall of 2006; however, without at least parking and fencing, it will not be accessible to the public. PRCS is available to meet with the Applicant and Planning Department to discuss and evaluate the necessary improvements that benefit and completes the facilities for public use.*

*Applicant Response:* *The Brambelton Regional Park was dedicated by the Applicant in connection with the original rezoning of the community. The Applicant will seek to have any capital facilities contributions generated by this application applied to the Brambleton Transportation Improvement Fund for the construction of the Loudoun County Parkway. The Applicant is happy to discuss the application of some portion of any excess funds to the further improvements of the park.*



Mr. Mike Elabarger

June 15, 2007

Page Thirteen

Issue Status: *PRCS requests a meeting with the Applicant to discuss proffering meaningful upgrades at Brambleton Community Park. A proportionate share of this project's capital facilities contribution should be set aside for public park and recreation capital projects (see comment #1 above). This designation should be noted with the Capital Facilities Contribution proffer statement (or other appropriate documentation) for Brambleton Corner.*

**Response:** The Applicant has made the required improvements at Brambleton. In accordance with discussions with Staff to date, the Applicant seeks credit for these improvements from capital facility contributions associated with the four current Brambleton rezoning cases. These contributions will only be made if one of the rezonings is denied and Brambleton does not construct sections of Loudoun County Parkway and the East-West Connector (Route 621 Relocated).

2. *This project adds 49 single-family attached units and offers no contribution to public recreation. The applicant should demonstrate to staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in Dulles south area.*

Applicant Response: *At build-out, the Brambleton community will more than adequately serve the recreational and leisure benefits of Brambleton residents and County residents. In addition to the Brambleton Regional Park site and related ancillary fields dedicated in connection with the rezoning of the Brambleton community, and in addition to fields and recreational facilities that will be provided in connection with three elementary school sites and one high school site dedicated by Brambleton, the Brambleton community will provide at least three (3) community centers (including pools), four (4) tennis courts, four (4) multi-purpose courts, seven (7) tot lots, three (3) soccer fields, three (3) softball fields, miles of trail network, countless pocket parks and open space, and one (1) golf course at build-out. As such, the Brambleton community can more than adequately provide for the residents of this 49 town home development.*

*Applicant respectfully submits that the recreational and leisure needs of these residents can be met without taxing the existing public recreational facilities in the vicinity of the Property.*

Issue Status: *Comment acknowledged.*

**Response:** Comment acknowledged and appreciated.

3. *The Revised Countywide Transportation Plan (CTP) identifies Belmont Ridge Road (Rt. 659) as a priority bicycle route along roadways. The CTP further identifies Gum Springs Road (Rt. 659) ultimate design conditions as, a 6 (six) lane/120 ROW, and states bicycle accommodations must be considered in design and may require additional right-of-way. The CTP further identifies the East-West Connector (Relocated Rt. 621) as a high-priority bicycle route along roadways with an ultimate design conditions as, a four (4) lane/120 - foot ROW, and states bicycle accommodations must be considered in design and may require additional right-of-way. The Applicant has identified on the Concept Development*

Mr. Mike Elabarger

June 15, 2007

Page Fourteen

*Plan that Route 621 and 659 are proposed by separate plan. Please verify that the appropriate bicycle accommodations have been addressed on the plans.*

Applicant Response: *Applicant has addressed the appropriate bicycle accommodations (as required by the County's Bicycle and Pedestrian Plan) on the Plans.*

Issue Status: *Comment acknowledged.*

**Response:** Comment acknowledged and appreciated.

4. *Please clarify on sheet 7 of 8 the proposed eight (8) foot trail. The legend depicts the trail as a solid line; however, the trail proposed along relocated Rt. 659 is dashed. The same is true for the proposed sidewalk, the legend shows it as solid, yet it is dashed on the plan. Please revise for consistency.*

Applicant Response: *Acknowledged.*

Issue Status: *It appears the 8' foot trail has been revised to 10' feet. Please revise the graphic symbol for the proposed 10' trail; it's hard to clearly see the trail designation.*

**Response:** Comment acknowledged. Please see the revised CDP.

5. *Please provide more information on the civic space, what is its use.*

Applicant Response: *See above as addressed in response to comments from Community Planning.*

Issue Status: *Comment acknowledged.*

**Response:** Comment acknowledged and appreciated.

#### **Department of Planning – Land Use Review**

A. *LAND USE - Staff finds that the Plan does not support the proposed residential land use of the subject site which is planned for General Industrial uses. However, based on the planned residential development and rezoning of adjacent properties for residential uses, the proposed rezoning of the subject site for residential uses may be considered appropriate. Should the subject site be considered for residential rezoning staff recommends that the General Residential Policies of the Plan be applied in the review of the application.*

**Response:** Comment acknowledged and appreciated.

B. *PUBLIC, CIVIC and OPEN SPACE - Staff finds that the proposed design fulfills the civic requirements of the community and is consistent with the Open Space policies of the Plan.*

Mr. Mike Elabarger  
**June 15, 2007**  
Page Fifteen

**Response:** Comment acknowledged and appreciated.

*C. EXISTING CONDITIONS - Staff requests that the applicant commit to and proffer the proposed tree save areas delineated on the submitted CDP. Staff recommends a commitment by the applicant to the long-term maintenance of the tree save areas.*

**Response:** Comment acknowledged. Please see the revised CDP and revised draft proffers, which commit to the creation and preservation of Tree Conservation Areas.

*D. DESIGN GUIDELINES FOR RESIDENTIAL DEVELOPMENT - Staff finds that the proposed residential community conforms with the design guidelines for residential development outlined in the Plan. Staff recommends a commitment to the revised concept development plan and the proposed amenities.*

**Response:** Comment acknowledged and appreciated.

*E. PEDESTRIAN AND BICYCLE CIRCULATION - Staff finds the proposed sidewalks, trails, and crosswalks fulfill the pedestrian and bicycle requirements for the neighborhood and are sufficiently linked to the larger Brambleton trail network. Staff recommends that the crosswalk be designed to distinguish non-vehicular and vehicular space, such as a change in pavement type or at a minimum pavement markings.*

**Response:** Comment acknowledged and appreciated. Please see the revised CDP.

*F. Capital facility impacts have been calculated for the proposed development including the costs associated with the provision of safety, government, recreation, and education services, etc. based on the updated numbers approved by the Board of Supervisors on June 25, 2006. As such, the net capital facilities contribution anticipated from the developer would be the equivalent of \$1,455,741 or \$29,709 per unit (see Attachment A).*

**Response:** Comment acknowledged.

*G. OPEN SPACE PRESERVATION PROGRAM - Staff recommends contributions to the Open Space preservation program at an amount reasonable to purchase open space in the Dulles Community.*

**Response:** As set out by Staff in section B of its referral response, the proposed development will incorporate 5.80 acres (46.5% of the site's gross acreage) of open space. Staff has therefore found that the proposed design fulfills the civic requirements of the community and is consistent with the open space policies of the Plan. The Applicant acknowledges Staff's comment and believes that the open space proposed by this development and existing open space at Brambleton, including Brambleton Park, will fully meet the open space needs of future residents at Brambleton Corner. Therefore, the Applicant does not propose a contribution to the purchase of open space easements.

Mr. Mike Elabarger  
June 15, 2007  
Page Sixteen

## Office of Transportation Services

1. *The applicant needs to construct adequate access to serve this site. What is the proposed access initially? Please clarify. At a minimum, two lanes of the East-West Connector Road should be constructed from the site east to existing Route 659. In addition, the applicant would be responsible for the construction of one half of a four lane divided road along the Route 659 Relocated frontage.*

*The applicant notes that initial access will be via interparcel connections through Brambleton or off of Route 621 Relocated from the entrance west to Route 659 relocated. The applicant has also proffered dedication and one half of a six-lane road along the Route 659 relocated site frontage. These on site improvements do not however, deal with the request to construct Route 621 Relocated to the east to existing Route 659.*

*Issue not addressed.*

**Response:** Applicant will construct that portion of Route 621 Relocated from the entrance of the Property to Route 659 or Route 659 Relocated necessary to provide access to the site.

2. *In order to accommodate the future widening of Route 659 Relocated and Route 621 Relocated, the applicant needs to dedicate 60 feet from the road centerline along both properties plus right-of-way required for right turn lanes. In addition, the applicant needs to provide all necessary construction related easements including drainage, grading and utility easements.*

*The applicant acknowledges the need for 60 feet along Route 659 Relocated. The applicant notes that only 42 feet is needed for Route 621 Relocated, a planned four lane divided road, along their site frontage. Provided the applicant confirms that adequate right of way is available for separate right and left turn lanes at the site entrance and the Route 659 Relocated/Route 621 Relocated intersection and that all necessary construction related easements will be provided, there is no outstanding issue. Please clarify.*

**Response:** The dedication proposed will provide adequate right of way for separate right and left turn lanes at the site entrance.

3. *The applicant needs to contribute to traffic signals at the existing and future intersections of Route 659 Relocated/Route 621 Relocated and the proposed site entrance onto Route 621 Relocated. The applicant notes that they would consider contributing.*

*Further discussion is needed.*

Mr. Mike Elabarger  
June 15, 2007  
Page Seventeen

**Response:** The draft proffers for the pending Brambleton Brandt rezoning (ZMAP 2004-0024) currently commit to the funding of a warrant study and any necessary signal at this intersection.

4. *The applicant needs to provide for bicycle and trail connections along Route 659 Relocated and Route 621 Relocated within the site and ensure that they connect with approved sidewalks/trails on the adjacent parcels including Brambleton. The applicant shows a 10' wide trail along the site frontage of Route 659 Relocated and Route 621 Relocated.*

*Issue addressed.*

**Response:** Comment acknowledged and appreciated.

5. *In order to facilitate transit facilities and service in the future, a \$500 per unit contribution is recommended. This could also take the form of capitol improvements such as provision of a bus shelter, a park & ride lot or purchase of buses. The applicant notes that they envision applying mass transit contributions towards the construction of Loudoun County Parkway through the use of the Brambleton Transportation Improvement Fund. This, however, doesn't address transit service in this area.*

*Further discussion is needed.*

**Response:** In accordance with direction from Art Smith, the Applicant has revised the draft proffers to confirm that a contribution of \$750 per unit will be provided by the Applicant towards mass transportation improvements, with the first priority being the completion of the Loudoun County Parkway through the Brambleton Active Adult community. This contribution shall only be made if one of the pending Brambleton rezoning cases is denied and Loudoun County Parkway is not constructed by the Applicant.

6. *The concept plan shows several proposed private roads within the site and three private street interparcel connections to the north. Has the applicant coordinated with the property to the north regarding maintenance responsibilities and the right of mutual access? Please clarify. Also, please note that the proposed private streets will need to be maintained by the property owners. VDOT and Loudoun County would not be responsible for ownership or maintenance. Finally, the private streets must be constructed in accordance with the Loudoun County Facilities Standards Manual.*

*The applicant notes that this property has been designated as an extension of the Brambleton community and that maintenance will be under the auspices of the Brambleton HOA. Provided Brambleton has agreed with this, there is no outstanding issue. The applicant also acknowledged that the private streets will need to be maintained by the property owners, constructed to Loudoun FSM standards and that Loudoun County will not be responsible for ownership or maintenance.*

**Response:** Comment acknowledged.

Mr. Mike Elabarger  
**June 15, 2007**  
Page Eighteen

7. *It would be helpful if the applicant could submit documentation of the totality of Brambleton proffers through the completion of Brambleton. This would include improvements necessary for the Brambleton project to move to its second phase, this rezoning and the pending Brambleton Town Center rezoning.*

*The applicant notes that they have met with OTS staff regarding the status of Brambleton Development and that they would be happy to answer any further questions.  
No outstanding issue.*

**Response:** Comment acknowledged.

8. *The applicant includes draft proffers to provide \$25,791 per unit to the Brambleton Transportation Fund towards the construction of Loudoun County Parkway from Route 621 to the West Spine Road. This is a desirable proffer which should be maintained. What is the proposed time schedule for this construction? Please clarify.*

**Response:** All capital facilities, regional road and mass transportation contributions associated with this rezoning will be used by the Applicant to construct portions of the Loudoun County Parkway and the East-West Connector (Route 621 Relocated). The revised draft proffers explain what contributions will be provided by the Applicant should this application be denied.

### **Loudoun County School Board**

*An updated project assessment chart, based on 2005 Virginia-County of Loudoun School Census data, is attached and provides the operational and capital expenses associated with the Brambleton Corner application.*

*With the exception of providing updated assessment data relating to public schools, staff offers no further comment from that provided on April 22, 2005.*

**Response:** Comment acknowledged.

### **Virginia Department of Transportation**

Our previous comments provided on the Traffic Impact Study have not been satisfactorily addressed. The applicant should either submit a revised TES or provide documentation in Response to these comments. (Note: No documents, i.e. revised traffic study or a digital-copy was provided with the referral.) This application will be reviewed further after we receive all required information stated above.

**Response:** Please find the enclosed Brambleton Additions Traffic Study dated September 16, 2006.

Mr. Mike Elabarger

**June 15, 2007**

Page Nineteen

I hope this letter addresses the issues raised. Please feel free to contact me if you have any questions or need any additional information.

Sincerely,



Colleen Gillis Snow

cc: Steve Schulte, P.E., - Brambleton Group  
Brian Sears, P.E., - Urban Ltd.  
Antonio J. Calabrese, Esquire - Cooley Godward Kronish LLP  
Ben I. Wales - Cooley Godward Kronish LLP

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